IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Baker et al.	Docket No:	39780-2830C1P10
Serial No:	10/006,768	Group Art Unit:	1647
Filed:	December 6, 2001	Examiner:	Rachel B. Kapust

For: **SECRETED AND TRANSMEMBRANE POLYPEPTIDES AND NUCLEIC ACIDS ENCODING THE SAME**

Commissioner for Patents
Washington, D.C. 20231

DECLARATION OF LUC DESNOYERS, Ph.D., DR. AUDREY GODDARD, Ph.D., DR. PAUL J. GODOWSKI, Ph.D., DR. AUSTIN GURNEY, Ph.D., DR. COLIN K. WATANABE and DR. WILLIAM WOOD, Ph.D. UNDER 37 CFR 1.131

We, Luc Desnoyers, Ph.D., Audrey Goddard, Ph.D., Paul J. Godowski, Ph.D., Austin Gurney, Ph.D., Colin K. Watanabe and William Wood, Ph.D. declare and say as follows:

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2. We have read and understood the claims pending in this application, and are aware that the claims have been rejected as anticipated by International Patent Application Publication No. WO 00/00610 (Lal *et al.*, publication date January 6, 2000).

3. We conceived and reduced to practice the invention claimed in the above-identified application in the United States prior to January 6, 2000.

4. At the time the present invention was made, one of the inventors, Luc Desnoyers, Ph.D., was, as still is, responsible for overseeing the testing of novel polypeptides, including the polypeptide designated PRO1412, in chondrocyte proliferation assay (Assay #111, Example 153). This assay is used to find agents that are capable of inducing chondrocyte proliferation and/or redifferentiation, and can, therefore, be used in the treatment of joint diseases using a tissue engineering approach or as promising drug candidates to repair aging or arthritic joints, for example, in which the chondrocytes have been dedifferentiated.

5. In this assay, isolated chondrocyte cells are seeded in 96 well plates with either serum-free medium (negative control), staurosporin (positive control) or the test PRO polypeptide. After 5 days, fluorescence dye is added to each plate and measured. The readout of the fluorescence from a plate containing the serum-free medium is measured to establish a background fluorescence level. A positive result in the assay is obtained when the fluorescence of the PRO polypeptide-treated sample is more like that of the positive control than the negative control. This type of fluorescence determination, wherein the readout is compared to positive and negative controls, is well known in the art.

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8. Exhibits A and B clearly show that the polypeptide designated PRO1412 was tested, and its ability to induce the proliferation and/or redifferentiation was determined prior to January 6, 2000.

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Luc Desnoyers, Ph.D.	Date 08/19/2004
Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
Austin Gurney, Ph.D.	Date
Colin K. Watanabe	Date
William Wood, Ph.D.	Date

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Audrey Goddard, Ph.D.	Date
Paul J. Godowski, Ph.D.	Date
Austin Gurney, Ph.D.	Date
Colin K. Watanabe, Ph.D.	Date Aug 24, 2004
William Wood, Ph.D.	Date

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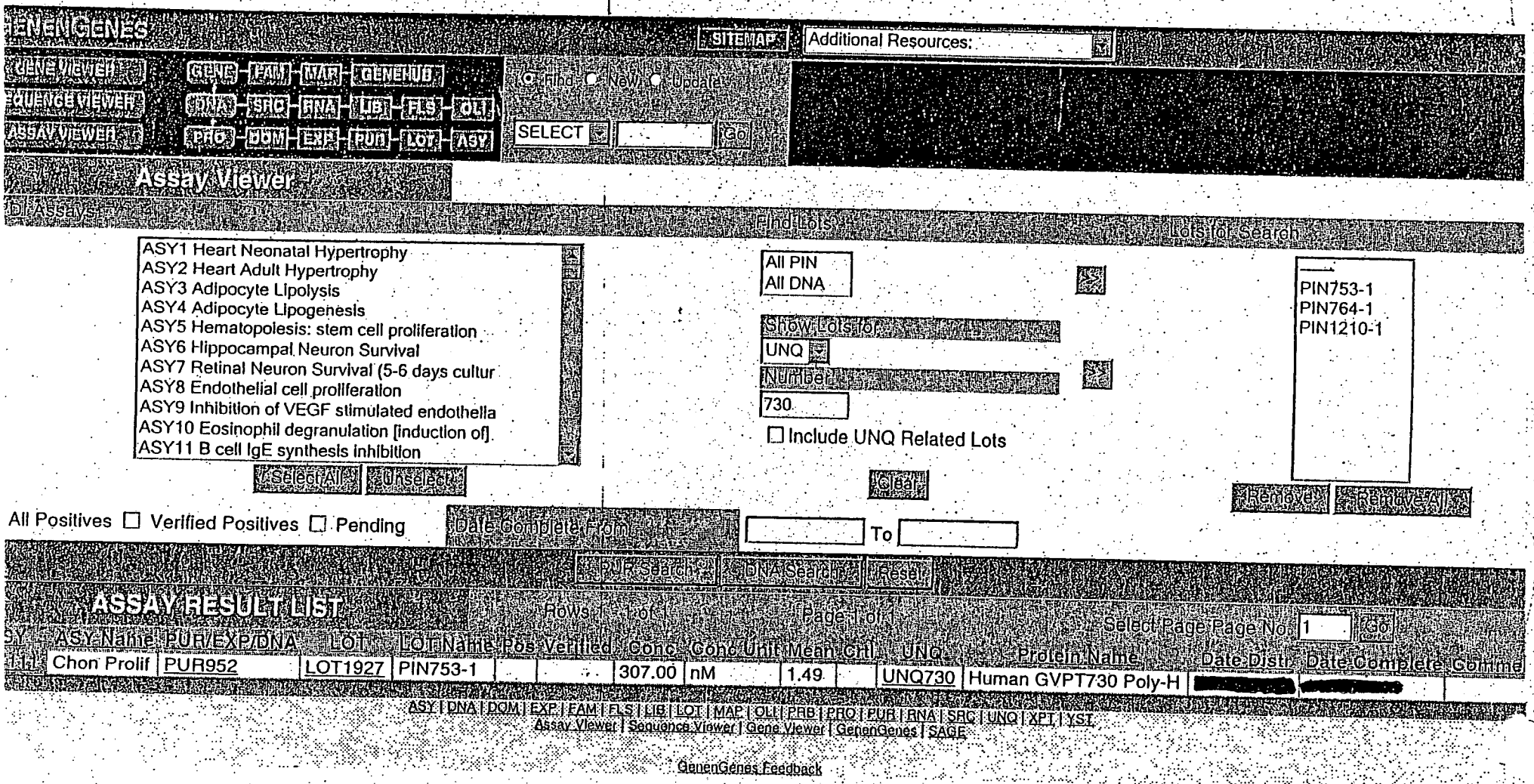

GENENGENES
SITEMAP
Additional Resources:
GENE VIEWER
SEQUENCE VIEWER
ASSAY VIEWER
GENE
FAM
MAP
GENEHUB
DNA
SRC
RNA
LIB
FLS
OLI
PRO
DOM
EXP
PUR
LOT
ASY
Find
New
Update
SELECT
Go
Assay Viewer
Assay
Find Lots
Lots for Search
ASY1 Heart Neonatal Hypertrophy
ASY2 Heart Adult Hypertrophy
ASY3 Adipocyte Lipolysis
ASY4 Adipocyte Lipogenesis
ASY5 Hematopolesis: stem cell proliferation
ASY6 Hippocampal Neuron Survival
ASY7 Retinal Neuron Survival (5-6 days cultur
ASY8 Endothelial cell proliferation
ASY9 Inhibition of VEGF stimulated endothelia
ASY10 Eosinophil degranulation [induction of]
ASY11 B cell IgE synthesis inhibition
Select All
Unselect
All PIN
All DNA
Show Lots for
UNQ
Number
730
Include UNQ Related Lots
Clear
PIN753-1
PIN764-1
PIN1210-1
Remove
Remove All
All Positives
Verified Positives
Pending
Date Complete From
To
PUR Search
DNA Search
Reset
ASSAY RESULT LIST
Rows 1 - 1 of 1
Page 1 of 1
Select Page Page No. 1 Go
SY
ASY Name
PUR/EXP/DNA
LOT
Lot Name
Pos
Verified
Conc
Conc Unit
Mean Ctrl
UNQ
Protein Name
Date Distr
Date Complete
Comme
1.1
Chon Prolif
PUR952
LOT1927
PIN753-1
307.00
nM
1.49
UNQ730
Human GVPT730 Poly-H
ASY | DNA | DOM | EXP | FAM | FLS | LIB | LOT | MAP | OLI | PRB | PRO | PUR | RNA | SRC | UNQ | XPT | YST
Assay Viewer | Sequence Viewer | Gene Viewer | GenenGenes | SAGE
GenenGenes Feedback

[redacted]

Primary Assay Result
Assay ID ASY111
Assay Name Chondrocytes Proliferation Assay
Assay Date [redacted]
Notebook Num XXXXX-XX

	1% 1	1% 2	1% 3	1% 4	1% 5	1% 6	1% 7	1% 8	1% 9	1% 10	1% 11	1% 12
A	Staurosporin Media	Staurosporin Media	Staurosporin Media	PIN717-1	PIN721-1	PIN725-1	PIN730-1	PIN734-1	PIN738-1	PIN742-1	PIN746-1	PIN750-1
B												
C	PIN708-1	PIN711-1	PIN714-1	PIN718-1	PIN722-1	PIN727-1	PIN731-1	PIN735-1	PIN739-1	PIN743-1	PIN747-1	PIN751-1
D												
E	PIN709-1	PIN712-1	PIN715-1	PIN719-1	PIN724-1	PIN728-1	PIN732-1	PIN736-1	PIN740-1	PIN744-1	PIN748-1	PIN752-1
F												
G	PIN710-1	PIN713-1	PIN716-1	PIN720-1	PIN723-1	PIN729-1	PIN733-1	PIN737-1	PIN741-1	PIN745-1	PIN749-1	PIN753-1
H												

Fluorescence

Plate #1: Reading after 3 hours

PASTE YOUR RAW DATA BELOW

	1	2	3	4	5	6	7	8	9	10	11	12
A	88.1	87.1	96.4	100.4	173.2	186.5	166.8	103.1	74.4	88.0	155.6	82.1
B	81.1	159.7	84.4	144.4	98.6	103.6	118.8	75.5	89.3	104.1	78.5	119.8
C	85.4	91.8	89.5	89.1	88.5	84.9	80.4	56.8	67.8	56.8	83.7	107.2
D	84.8	107.4	75.8	72.8	84.7	87.2	80.3	56.4	70.9	75.3	79.5	119.8
E	102.9	73.5	58.0	71.4	55.8	51.1	59.7	47.5	74.3	72.1	92.5	175.3
F	69.9	102.3	80.7	131.8	84.7	83.8	78.2	66.8	88.8	81.4	84.8	180.5
G	116.0	125.9	159.3	105.5	77.5	57.8	84.6	73.5	77.2	84.9	182.5	183.7
H	144.3	102.0	192.0	193.6	161.4	124.0	128.4	129.7	95.4	137.9	172.1	139.5

Control	Fluorescence
Staurosporin	84.5
Media	108.4

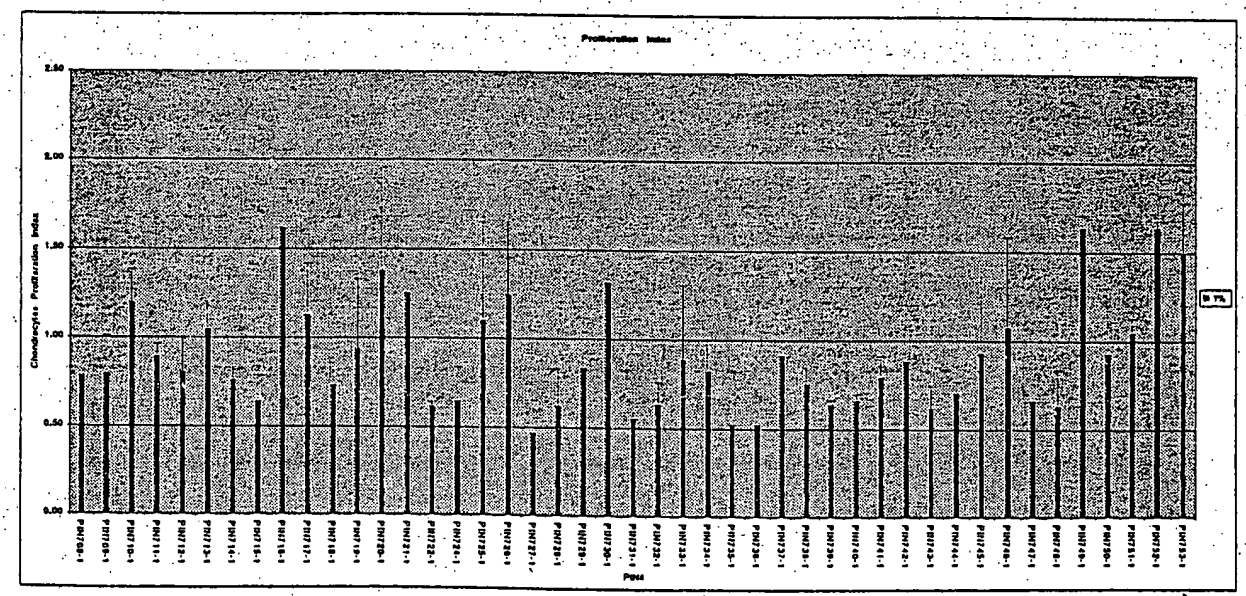
Conc			1.00%				
PIN #	N1	N2	AVERAGE	STDEV	Positive	Verified	Comments
PIN708-1	0.788	0.780	0.784	0.0			
PIN709-1	0.949	0.845	0.797	0.2			
PIN710-1	1.070	1.331	1.201	0.2			
PIN711-1	0.847	0.945	0.896	0.1			
PIN712-1	0.678	0.944	0.811	0.2			
PIN713-1	1.162	0.941	1.052	0.2			
PIN714-1	0.826	0.697	0.762	0.1			
PIN715-1	0.535	0.744	0.640	0.1			
PIN716-1	1.469	1.771	1.620	0.2	Positive		
PIN717-1	0.926	1.333	1.129	0.3			
PIN718-1	0.622	0.853	0.738	0.1			
PIN719-1	0.859	1.216	0.938	0.4			
PIN720-1	0.973	1.786	1.380	0.6	Positive		
PIN721-1	1.398	0.910	1.254	0.5			
PIN722-1	0.632	0.597	0.614	0.0			
PIN724-1	0.515	0.781	0.648	0.2			
PIN725-1	0.715	1.489	1.102	0.5			
PIN728-1	1.537	0.956	1.246	0.4			
PIN727-1	0.599	0.343	0.471	0.2			
PIN728-1	0.471	0.774	0.623	0.2			
PIN729-1	0.532	1.144	0.838	0.4			
PIN730-1	1.538	1.096	1.317	0.3	Positive		
PIN731-1	0.557	0.556	0.557	0.0			
PIN732-1	0.551	0.722	0.636	0.1			
PIN733-1	0.595	1.184	0.890	0.4			
PIN734-1	0.951	0.897	0.924	0.2			
PIN735-1	0.522	0.520	0.521	0.0			
PIN736-1	0.438	0.617	0.527	0.1			
PIN737-1	0.678	1.159	0.919	0.3			
PIN738-1	0.686	0.824	0.755	0.1			
PIN739-1	0.624	0.654	0.639	0.0			
PIN740-1	0.686	0.635	0.660	0.0			
PIN741-1	0.712	0.880	0.796	0.1			
PIN742-1	0.812	0.961	0.886	0.1			
PIN743-1	0.541	0.695	0.618	0.1			
PIN744-1	0.665	0.751	0.708	0.1			
PIN745-1	0.599	1.272	0.935	0.5			
PIN746-1	1.436	0.724	1.080	0.5			
PIN747-1	0.588	0.733	0.661	0.1			
PIN748-1	0.484	0.781	0.633	0.2			
PIN749-1	1.584	1.568	1.636	0.1	Positive		
PIN750-1	0.757	1.105	0.931	0.2			
PIN751-1	0.989	1.104	1.046	0.1			
PIN752-1	1.618	1.665	1.642	0.0	Positive		
PIN753-1	1.695	1.287	1.491	0.3	Positive		

Witnessed & Understood by me, | Date | Invented by [redacted] | Date

[redacted]

GRAPH

Pins	Average	STDEV
PIN708-1	0.78	0.0
PIN709-1	0.80	0.2
PIN710-1	1.20	0.2
PIN711-1	0.90	0.1
PIN712-1	0.81	0.2
PIN713-1	1.05	0.2
PIN714-1	0.76	0.1
PIN715-1	0.64	0.1
PIN716-1	1.62	0.2
PIN717-1	1.13	0.3
PIN718-1	0.74	0.1
PIN719-1	0.94	0.4
PIN720-1	1.38	0.6
PIN721-1	1.25	0.5
PIN722-1	0.61	0.0
PIN724-1	0.65	0.2
PIN725-1	1.10	0.5
PIN726-1	1.25	0.4
PIN727-1	0.47	0.2
PIN728-1	0.62	0.2
PIN729-1	0.84	0.4
PIN730-1	1.32	0.3
PIN731-1	0.56	0.0
PIN732-1	0.64	0.1
PIN733-1	0.89	0.4
PIN734-1	0.82	0.2
PIN735-1	0.52	0.0
PIN736-1	0.53	0.1
PIN737-1	0.92	0.3
PIN738-1	0.76	0.1
PIN739-1	0.64	0.0
PIN740-1	0.66	0.0
PIN741-1	0.80	0.1
PIN742-1	0.89	0.1
PIN743-1	0.62	0.1
PIN744-1	0.71	0.1
PIN745-1	8.94	0.5
PIN746-1	1.08	0.5
PIN747-1	0.66	0.1
PIN748-1	0.63	0.2
PIN749-1	1.64	0.1
PIN750-1	0.93	0.2
PIN751-1	1.05	0.1
PIN752-1	1.64	0.0
PIN753-1	1.49	0.3



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Date

Invented by

Date

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